

September 8, 1998

INDIVIDUAL PRACTICES OF JUDGE MILTON POLLACK

Unless otherwise ordered by Judge Pollack, matters before Judge Pollack shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Letters to chambers are not permitted.

B. Telephone Calls. Telephone calls are permitted on all matters. Call chambers at 212-805-6115 between 10 A.M. and 5 P.M.

C. Faxes. Faxes to chambers are not permitted.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call 212-805-6115 between 10:00 a.m. and 5:00 p.m.

E. Requests for Adjournments or Extensions of Time. See Paragraph 1(D) above.

2. Motions

A. Pre-Motion Conferences in Civil Cases. A pre-motion conference with the court is required before making any motion. To arrange a pre-motion conference, the moving party shall **make a conference phone call to the Judge after conferring with adversary as to two convenient dates and times.**

B. Courtesy Copies. Courtesy copies of motion papers and memoranda thereon need not be submitted unless specially requested by Chambers at the time of the pre-motion conference.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. Motion papers shall be filed promptly after service.

E. Oral Argument on Motions. Oral argument will be held on all motions. After the motion has been fully briefed, and after consultation with all parties, the moving party shall schedule oral argument at 2:00 p.m. on any day that the Court will be in session.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within **20** days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- I. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction **if it is disputed**. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried. In the pre-trial order to be submitted, agreed and disputed contentions of ultimate objective fact should be set forth in succinct form. The disputed matters should be set forth without evidentiary detail in parallel columns, each ultimate contention to be stated and numbered separately by the party with the burden of its proof with the responsive matter similarly bearing the same number in its column.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have **considered and consented** to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

I. In jury cases, requests to charge and proposed voir dire questions. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in WordPerfect version 5.1 or higher format;

ii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

iv. In any case where such party believes it would be useful, a pretrial memorandum.